

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MAX BLANKFELD, JOHNNY EDWARDS
ADAM FINN, DAVID KLEIN, MARK MEY
ALAN SCHAEFER, FIORE TALARICO,
and ROBERT TEH.

Plaintiffs,

V.

MERRILL LYNCH & CO., INC. and
MERRILL LYNCH PIERCE FENNER
& SMITH, INC.,

Defendants.

§ §

Civil Action No. H-09-162

JURY

STIPULATION OF THE PARTIES

1. All parties to the captioned matter file this stipulation.
2. The plaintiffs are Max Blankfeld, Johnny Edwards, Adam Finn, David Klein, Mark Mey, Alan Schaefer, Fiore Talarico and Robert Teh.
3. The defendants are Merrill Lynch & Co., Inc. and Merrill Lynch Pierce Fenner & Smith, Inc.
4. The parties stipulate the defendants shall file their answers or otherwise respond to Plaintiffs' Class Action Complaint not later than April 10, 2009.
5. The parties further stipulate that the defendants do not waive any defenses they may have, whether under Fed.R.Civ.P. 12 or otherwise, by entering into this stipulation.

WHEREFORE, all parties request that the Court approve their stipulation and that they have such other relief as the Court may deem appropriate.

Dated: February 10, 2009

Respectfully submitted,

/s/ Stephen S. Andrews

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**ATTORNEYS FOR DEFENDANTS
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LYNCH PIERCE FENNER & SMITH, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2009, I electronically filed the foregoing document with the Clerk of Court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the Court. Counsel listed below was served via U.S. mail postage prepaid:

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/s/ Stephen S. Andrews
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ORDER APPROVING STIPULATION OF THE PARTIES

Pending is the stipulation of all parties concerning the date by which the defendants must answer or otherwise respond to the Plaintiffs' Class Action Complaint. The stipulation is approved. The defendants shall answer or otherwise respond not later than April 10, 2009.

Done at Houston, Texas on February _____, 2009.

United States District Judge